

RE: COMP 2013-02
May 13, 2013

To Cindy Anderson:

This responds to your inquiry to the Ethics Board on April 5 and April 8, 2013. Your letter indicates concern regarding how the City, and Mr. Scales in particular, responded to several widely publicized allegations of police misconduct. You are critical of 3 aspects of Mr. Scales' involvement with regard to possible conflicts of interest:

1. With regard to Mr. Scales' employment at the City of Seattle: "Mr. Scales, in early February, March and April of 2010, acted on a matter that might have a significant affect on the way his employers in Seattle viewed him".
2. You raise concern that Mr. Scales did not disclose his "potential conflict" verbally in council meetings (though in his 2010 conflict of interest form, he indicates his employment as Assistant City Attorney in Seattle).
3. You also indicate that Mr. Scales' current job involves unspecified potential conflicts of interest with his duties on the City Council, now and presumably in the future.

The Bainbridge Island Ethics Board reviews complaints involving alleged violations of the Ethics Code by elected officials. The Code prohibits elected officials from taking any official action in matters involving a financial or private interest. However, the Ethics Board is not an investigative body, and you have not alleged an actual violation of the Ethics Code.

The Ethics Code requires elected officials to publicly disclose their financial interest in any matter that comes before them. In addition, the Ethics Board supports wide disclosure of potential conflicts of interest. The revised Ethics Code adopted March 23, 2011 requires public meetings of the City Council and Committees and Commissions to include a standing agenda item for disclosure of potential conflicts. However, the Ethics Code does not define the limits of what constitutes a potential conflict, nor does the Ethics Board investigate these matters.

With regard to future actions by an elected official, the Ethics Board only reviews requests by individuals concerned about their own future actions.

The Ethics Board notes that there is broad citizen interest regarding several widely publicized incidents involving, Bainbridge Island Police Department, and controversy regarding the City's response. The Ethics Board has no role in reviewing either the actions of City Employees, or the City's response to citizen complaints or litigation.

Erin Thomasson, Chair
For the COBI Ethics Board